

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 14348 of 2006(G)

PETITIONER:

1. RUBBER BOARD TECHNICAL OFFICERS
UNION, RUBBER BOARD, REGIONAL OFFICE,
THYCAUD P.O., THIRUVANANTHAPURAM REPRESENTED
BY ITS PRESIDENT, G.RAVEENDRANATH.
2. K.MOHANAKUMAR, GENERAL SECRETARY,
RUBBER BOARD, REGIONAL OFFICE,
MARTHANDAM.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS:

1. THE CHAIRMAN, RUBBER BOARD,
POST BOX NO.1122, SUB JAIL ROAD,
KOTTAYAM.
2. THE RUBBER BOARD, REPRESENTED BY
ITS CHAIRMAN, POST BOX NO. 1122,
SUB JAIL ROAD, KOTTAYAM.
3. RUBBER BOARD EXTENSION OFFICERS UNION,
RUBBER BOARD, REGIONAL OFFICE,
IDUKKI ROAD, THODUPUZHA-685 584, REPRESENTED
BY ITS GENERAL SECRETARY T.V.MATHEW.

BY ADV. SRI.P.R.RAMACHANDRA MENON
SRI.JOSEPH KODIANTHARA
SRI.MITHUN MARKOS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.14348 of 2006

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Dated this the 28th day of February, 2007.

JUDGMENT

The Chairman, Rubber Board, granted approval to the third respondent, a newly formed service organization. Ext.P4 is the communication issued by the Deputy Secretary in the Rubber Board to the office bearer of the third respondent communicating such approval and stating that the activities of that union should be confined strictly in accordance with the Rubber Board (Recognition of Service Associations) Regulation, 1981 and as per the bye-laws approved by the Board. The aforesaid Regulation, which are placed on record as Ext.P5, provides in Clause 4(c) that membership of the association is restricted to a distinct category of the employees having common service interests, all such employees being eligible for membership of the Association. (No employee shall be a member of more than one service association at a time).

2. The case of the petitioners is that the first petitioner is a service association of the officers and there cannot be yet another service association of the officers, going by Clause 4(c) of the Regulation. A plain reading of Clause 4(c) of the Regulation provides that the membership of the association, for recognition in terms of those Regulation, has to be restricted to a distinct category of employees having common service interests. That does not mean that there can be only one service organization of a distinct category of the employees in the Rubber Board, having common service interest. The requirement is only that a particular service organization shall have only members who constitute themselves into a distinct category having common service interest. If the interpretation sought to be placed by the petitioner on Clause 4(c) of the Regulation is accepted, that will nullify the very concept of collective bargaining and the purpose of trade unions as is envisaged in the field of labour welfare.

3. The next argument of the petitioner is that, on the basis of Ext.P1 minutes of certain meetings of the Rubber Board, it was decided that mushrooming of service organizations should not be permitted and there should be pruning of the number of organizations. According to the petitioner, there are already eleven service organizations in the Rubber Board. While it will be open to the management to choose the service organizations, which it would recognise by having a referendum or otherwise, the right to form an association, that too, in terms of the Regulation of the employer, is a right that the employees have. At any rate, Ext.P1 is neither statutory nor does it override the terms of Ext.P5 Regulation.

2. Learned counsel for the third respondent rightly points out that in terms of Clause (3) of Ext.P5 Regulation, an association in which at least 25% of the category of employees, who are eligible for membership have not enrolled as members, shall not be entitled for recognition.

In the aforesaid circumstances, I do not find any illegality or error of jurisdiction in the Rubber Board granting recognition to the third respondent. The writ petition fails. It is hence dismissed.

Thottathil B.Radhakrishnan,
Judge.

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